



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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INSPECTION REPORT

Partial ___ Complete XXX Exploration ___

Inspection Date: 09/10,12,17/2002 / Time: 10:00am-1:00pm

Date of Last Inspection: 08/28/2002

Mine Name: Emery Deep Mine County: Emery Permit Number: C/015/015

Permittee and/or Operator's Name: Consolidation Coal Company

Business Address: P.O. Box 566, Sesser IL 62884/P.O. Box 527, Emery, Utah 84522

Company Official(s): Seth McCourt

State Official(s): Stephen J. Demczak Federal Official(s): None

Weather Conditions: 09/10,17/2002, clear, sunny; 09/12/2002, raining

Type of Mining Activity: Underground XXX Surface ___ Prep Plant ___ Other ___

Existing Acreage: Permitted 5180 Disturbed 247 Regraded ___ Seeded ___

Status: Active

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

- Substantiate the elements on this inspection by checking the appropriate performance standard.
 - For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
 - For partial inspections check only the elements evaluated.
- Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
- Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
- Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

| | EVALUATED | N/A | COMMENTS | NOV/ENF |
|--|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. SIGNS AND MARKERS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. TOPSOIL | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. HYDROLOGIC BALANCE: | | | | |
| a. DIVERSIONS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. SEDIMENT PONDS AND IMPOUNDMENTS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. OTHER SEDIMENT CONTROL MEASURES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. WATER MONITORING | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. EFFLUENT LIMITATIONS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. EXPLOSIVES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. NONCOAL WASTE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL ISSUES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. SLIDES AND OTHER DAMAGE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. CONTEMPORANEOUS RECLAMATION | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. BACKFILLING AND GRADING | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. REVEGETATION | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. SUBSIDENCE CONTROL | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. CESSATION OF OPERATIONS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. ROADS: | | | | |
| a. CONSTRUCTION/MAINTENANCE/SURFACING | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. DRAINAGE CONTROLS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. OTHER TRANSPORTATION FACILITIES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. SUPPORT FACILITIES/UTILITY INSTALLATIONS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. AVS CHECK (4 th Quarter- April, May, June) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. AIR QUALITY PERMIT | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. BONDING & INSURANCE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

INSPECTION REPORT
(Continuation Sheet)

PERMIT NUMBER: C/015/015

DATE OF INSPECTION: 09/10,12,17/2002

(COMMENTS ARE NUMBERED TO CORRESPOND WITH TOPICS LISTED ABOVE)

1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE

The permittee has two permitting actions with the Division. These are the 4th East Portals and the power lines to the 4th East portals.

On September 17, 2002, the inspector went to the 4th East Portals to abate two Notice of Violations. During the inspection, the permittee had an underground scoop hauling mine supply from the Emery Deep Mine to the 4th East portals, using public roads (County Roads). The underground mining equipment left the permit area. A Cessation Order 02-39-1-1 was issued. The permittee was conducting mining activities outside the permit area.

OTHER PERMITS ON FILE AT MINE SITE

- Division Oil, Gas, and Mining (expires 01/08/2006).
- BLM ROW Grant.
- DEQ Air Quality Order.
- DEQ UPDES permit (expires 06/04/2004).

2. SIGNS AND MARKERS

The identification signs are at both mine sites. The Emery Mine sign is on the gate to the property and the 4th east portals sign is on the fences entering to the facilities.

3. TOPSOIL

The permittee failed to protect vegetation and topsoil in the undisturbed area on September 12, 2002. A semi-trailer was parked on the undisturbed area in which topsoil and vegetation has never been removed. A Notice of Violation 02-39-1-2, 1 of 2 was issued.

4A. HYDROLOGIC BALANCE: DIVERSIONS

The diversions were spot-checked and complied with the R645 Coal Rules.

4B. HYDROLOGIC BALANCE: SEDIMENT PONDS AND IMPOUNDMENTS

The sediment ponds were spot-checked with no hazardous conditions noticed at the time of the inspection. The two sediment ponds, which receive water from the underground mine, were discharging.

The permittee had an annual sediment pond inspection on October 26, 2001. P.E. Bruce T.S. Ware, badge No. 153834, performed the annual sediment pond inspection. No hazardous conditions were reported. This information will be submitted as part of the Annual Report.

The second quarter sediment ponds were inspected on June 11, 2002. There were no reports of hazardous conditions. Some maintenance work was done on the sediment ponds such as cleaning the inlets.

4C. HYDROLOGIC BALANCE: OTHER SEDIMENT CONTROL MEASURES

The silt fences on September 10, 2002 were repaired during the inspection. The silt fences were functioning as designed.

INSPECTION REPORT
(Continuation Sheet)

PERMIT NUMBER: C/015/015

DATE OF INSPECTION: 09/10,12,17/2002

The permittee failed to retain sediment within the disturbed area on September 12, 2002. Water containing sediment flowed from the disturbed area and went outside the main gate. A Notice of Violation 02-39-1-2, 2 of 2 was issued.

4D. HYDROLOGIC BALANCE: WATER MONITORING

Water monitoring has been completed for the second quarter and data has been electronically submitted to the Division. The permittee plans to complete all water monitoring requirements for the third quarter by the end of the quarter.

An inspection was made of requirements in the Mining and Reclamation Plan as to the water monitoring sites, parameters, and holding times. The fourth quarter requirements for water monitoring were found to be complete.

4E. HYDROLOGIC BALANCE: EFFLUENT LIMITATIONS

The permittee did not exceed the limits of the UPDES permit for the second quarter. The UPDES permit will expire June 4, 2004. The permit number is UT0022616.

6. DISPOSAL OF EXCESS WASTE/FILLS/BENCHES

The permittee was nearly finished extracting spoil material at the 4th East Portals as of September 17, 2002.

7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS

The permittee is temporarily storing refuse material at the 4th east portal facilities. This material will be removed and placed at the Emery Deep permanent refuse pile area.

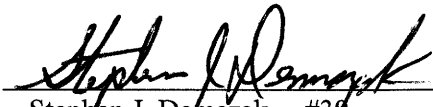
Refuse pile inspection has been completed for the first quarter. The report was P.E. certified with no hazardous conditions being reported. Brian Butts certified this inspection. The inspection was done on June 11, 2002.

8. NONCOAL WASTE

The mine site was generally clear of non-coal waste material.

18. SUPPORT FACILITIES/UTILITY INSTALLATIONS

The 4th east portal facilities are still under development.

Inspector's Signature:  Date: September 24, 2002
Stephen J. Demczak #39

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas & Mining.

cc: James Fulton, OSM
Tim Kirschbaum, Consol, Illinois
Steve Behling, Consol, Emery
Price Field office

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